

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

PEDRO J. AMARO,

Plaintiff,

v.

Civ. No. 21-0576 KG-KK

STATE OF NEW MEXICO,

Defendant.

ORDER OF DISMISSAL

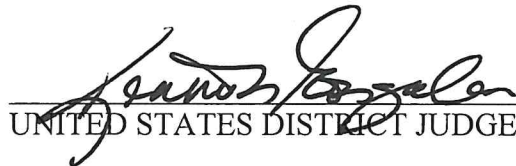
This matter is before the Court on Plaintiff Pedro Amaro's Declaration Regarding Civil Rights Violations. (Doc. 1) (Declaration). Plaintiff is incarcerated at the Guadalupe County Correctional Facility (GCCF) and proceeding *pro se*. The Declaration alleges that in May of 2021, prison officials exposed Plaintiff to unsafe levels of carbon monoxide during a boiler repair. The Declaration lists another case number involving Plaintiff, Civ. No. 16-0993 KG-JHR. However, the Court dismissed that case - which also pertains to carbon monoxide - and the matter is on appeal. (Docs. 75, 81) in Civ. No. 16-0993; (Doc. 1) in App. No. 21-2039. The Clerk's Office filed the Declaration as a new case, as it describes separate instances of wrongdoing that occurred after the dismissal.

On June 25, 2021, the Court permitted Plaintiff to clarify whether he seeks to raise new claims or whether the Declaration pertains to his pending appeal. (Doc. 2). In response, Plaintiff states he did not intend to file a new action. (Doc. 3) at 1. He raises new instances of wrongdoing to supplement the record in Civ. No. 16-0993. *Id.* With this explanation, the Court will dismiss the instant civil case without prejudice and without charging a filing fee. The Clerk's Office will file a copy of the Declaration in Civ. No. 16-0993. The Court will also grant Plaintiff's request to

forward the Declaration to the Tenth Circuit as part of his record in App. No. 21-2039. However, Plaintiff is advised that the appellate record has already been transmitted. In the future, he should file all matters relating to the appeal in the Tenth Circuit.

IT IS ORDERED:

1. This civil case is dismissed without prejudice.
2. The Court will enter a separate judgment closing the civil case.
3. The Clerk's Office shall file a copy of Plaintiff's Declaration Regarding Civil Rights Violations (Doc. 1) in Civ. No. 16-0993.
4. The Clerk's Office shall also transmit a copy of that Declaration (Doc. 1) to the Tenth Circuit Court of Appeals as part of the appellate record in App. No. 21-2039.

  
UNITED STATES DISTRICT JUDGE